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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,087	02/27/2004	Paul M. Dantzig	YOR920030580US1	7520
7590 02/21/2008 William E. Lewis RYAN, MASON & LEWIS, LLP 90 Forest Avenue Locust Valley, NY 11560			EXAMINER HU, JINSONG	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/789,087	Applicant(s) DANTZIG ET AL.	
	Examiner JINSONG HU	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-8 and 10-20 are presented for examination. Claims 1-2, 11-12, 14 and 16-18 have been amended. Claim 9 has been canceled.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 16 is rejected under 35 U.S.C. 101 because the claim directs to a non-statutory subject matter. Applicant claimed the "readable medium" could be "light wave transmissions", which does not fall within any statutory categories. Examiner suggests applicant to use "a storage medium" replace "a readable storage medium", it will make the limitation bond with hardware.

Correction is required.

4. Claims 1-8 and 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood.

Applicant claimed the system is used for delivering content in the preamble, but fails to claim any step or procedure for delivery in the claims.

Corrections are required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider (US 2001/0037402)

7. As per claims 1-2 and 5, Schneider teaches the invention as claimed including a method of delivering content in a client-server system based on a request from a client [abstract], comprising the steps of:

obtaining the request [par. 20, lines 1-3];

determining a performance characteristic of at least one server or at least one cache of the client-server system [pars. 16, 20 & 29]; and

determining a level of data accuracy to be delivered to the client in response to the request, the determination being based on: (i) the determined performance characteristic of the at least one server or the at least one cache; and (ii) at least one

preference associated with the client [pars. 16, 18, 20, 23, 25 & 27-28].

8. As per claims 3 and 4, Schneider teaches the determination of a level of data accuracy on at least one personalization preference [pars. 17, 25 & 27-28].

9. As per claims 6-8, Schneider teaches the step of delivering content in a client-server system comprises delivering one or more Web pages [inherent, pars. 4 & 8, the content delivered from server could be web page].

10. As per claim 10, Schneider teaches the invention as claimed including a method of delivering content in a client-server system based on a request from a client [abstract], comprising the steps of:

obtaining the request [par. 20, lines 1-3];

determining a characteristic of at least one server or at least one cache of the client-server system [pars. 16, 20 & 29]; and

determining a level of personalization to be delivered to the client in response to the request, the determination being based on: (i) the determined characteristic of the at least one server or the at least one cache; and (ii) at least one preference associated with the client [pars. 16, 18, 20, 23, 25 & 27-28].

11. As per claims 11-15, since they are apparatus claims of 1-3, 5 and 7, they are rejected for the same basis as claims 1-3, 5 and 7 above.

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12. As per claims 16 and 20, since they are manufacture and system claims of claim 1, they are rejected for the same basis as claim 1 above.

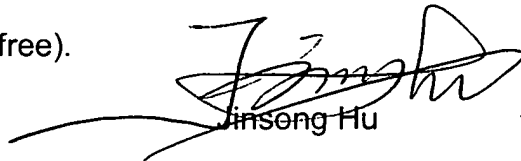
13. As per claims 17-19, since they teach the same limitations as claims 1-3, they are rejected for the same basis as claims 1-3 above.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jinsong Hu

February 15, 2008